THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.10652 of 2006

Date:31.05.2006

Between:

Addala Sridevi

-------PETITIONER

AND

The Government of Andhra Pradesh and others.

----RESPONDENTS

ORDER:

The petitioner is a lessee in respect of Acs.2.73 cents of land in survey Nos. 148/3 and 148/2 of Madavaipalem village, Narsapur Mandal, belonging to Sri Adikesava Emberumannar Swamy Temple. She challenges the notice issued by the Temple, proposing to conduct auction of the leasehold rights for the same. The petitioner states that her appeal for recognizing her as a landless poor in the context of continuing her as lessee, is pending and there was no justification for the respondents in proceeding with the auction.

Heard the learned counsel for the petitioner and the learned Government Pleader for Endowments.

It is not in dispute that the petitioner has not been recognized as landless poor as yet. Section 82 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act 1987 (for short 'the Act') has brought about termination of leases in respect of agricultural lands held by Temples. The Act itself mandates that the leasehold rights for such land shall be assigned only after conducting public auction. Therefore, no exception can be taken to the notice challenged in this writ petition. At any rate, the auction was proposed to conduct on 31.05.2006.

The learned counsel for the petitioner submits that the petitioner has raised a crop and she needs time to harvest it. If that be so, two courses are open to the petitioner. The first is that in case she is willing to pay the lease amount representing the highest bid amount in the auction, the respondents shall consider the feasibility of granting a fresh lease in favour of the petitioner. Even such a facility would be subject to the condition that if the highest bidder is prepared to enhance the amount, a limited bid between such highest bidder and the petitioner shall be conducted and the lease shall be granted accordingly. In case, the petitioner is not willing to avail the said facility, it shall be open to her to make a representation to the fourth respondent in the matter of permitting her to harvest the existing crop.

The writ petition is accordingly disposed of. The extension of any facility to the petitioner shall depend upon her clearing of all the arrears, if any.

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31.05.2006

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